

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JOHN L. and CAROLE D. SUTHERLAND,  
husband and wife,

Plaintiffs,

v.

CITY OF BAINBRIDGE ISLAND,

Defendant.

CASE NO. C05-5203RJB

ORDER LIFTING STAY AND  
SETTING DUE DATE FOR  
COMBINED JOINT STATUS  
REPORT AND DISCOVERY PLAN

This matter comes before the court on review of the file.

On March 23, 2005, the court issued a Minute Order Regarding Initial Disclosures, Joint Status Report, and Early Settlement. Dkt. 5. In that order, the court directed that the parties file a Combined Joint Status Report and Discovery Plan not later than July 15, 2005. *Id.* On May 11, 2005, the court issued a Stipulation for and Order Staying Action for Ninety Days and Declaring Action Commenced for Purposes of Statute of Limitations. Dkt. 10. The due date for the Combined Joint Status Report and Discovery Plan was stricken upon the entry of this order.

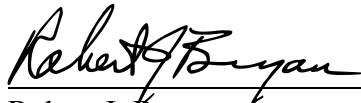
The ninety-day period staying this action expired on August 9, 2005, and counsel has not notified the court that settlement has been reached.

1 Therefore, it is hereby

2 **ORDERED** that the stay is hereby lifted, and not later than **October 31, 2005**, the parties shall file  
3 a Combined Joint Status Report and Discovery Plan, as required by Fed.R.Civ.P. 26(f) and Local Rule CR  
4 16. If the Combined Joint Status Report and Discovery Plan is not timely filed, the court will dismiss this  
5 case without prejudice.

6 The Clerk is directed to send uncertified copies of this Order to all counsel of record and to any  
7 party appearing *pro se* at said party's last known address.

8 DATED this 30<sup>th</sup> day of August 2005.

9  
10 

11 Robert J. Bryan  
12 United States District Judge  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28